

SENATE BILL 3949

By McNally

AN ACT to amend Tennessee Code Annotated, Title 41,
Chapter 4, relative to training for jail and
workhouse administrators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 4, is amended by adding
the following as a new section:

41-4-145.

(a) To ensure competence in the administration of county jails each county must have in its employ, except as provided in this section, at least one (1) certified jail administrator (CJA) or an exempt individual as jail administrator, chief deputy jailer, chief deputy or other official or employee who has the daily oversight responsibilities relative to the administration of the county jail.

(b) Any county that operates multiple jail facilities must employ a CJA or an exempt individual for each facility in the county.

(c) Any county that operates a workhouse must employ a CJA or an exempt individual as workhouse administrator.

(d) The county technical assistance service of the University of Tennessee's institute for public service, with the approval of the state comptroller's office, shall develop a curriculum, including testing, leading to the designation Certified Jail Administrator (CJA). The program must include at least eighty (80) combined hours of course and lab work including the following minimum topics:

- (1) Jail administration/management
- (2) Jail operations
- (3) Legal issues

(e) A candidate for the CJA designation must meet the minimum qualifications set forth in 41-4-144(a).

(f) To achieve the CJA designation, a candidate must demonstrate proficiency in the subject matter by passing a series of examinations on the course materials. A CJA candidate, however, may choose to take an examination on the subject matter before taking a course. If the candidate makes a passing grade on the examination, the candidate will receive credit toward the CJA designation without attending the training class in which the particular subject matter is covered. A candidate who passes all the examinations covering the topics listed in subsection (d) will be eligible to receive the CJA designation, and will receive that designation upon application to and certification by the county technical assistance service.

(g) To maintain certification, a CJA must earn at least twenty-four (24) hours of re-certification credits each calendar year after receiving the CJA designation. A CJA who earns more than the minimum re-certification credits during any calendar year may carry over to the next calendar year a maximum of twelve (12) re-certification credits. Re-certification credits shall be filed with and maintained by the county technical assistance service, which shall keep individual records on CJAs and CJA candidates.

(h) The following individuals with jail administration or workhouse administration oversight responsibilities and who would otherwise be required to have the CJA designation are exempt from the educational requirements leading to the CJA designation, but must comply with the re-certification requirements of the preceding subsection:

(1) An individual designated as a Certified Jail Manager (CJM) by the American Jail Association.

(2) An Individual designated as a Certified Corrections Executive (CCE) by the American Correctional Association.

(i) An individual employed as a jail administrator, workhouse administrator, or other person charged with the daily oversight responsibilities for the county jail or workhouse and who would otherwise be required to have the CJA designation but who is claiming exemption shall send proof of exemption to the county technical assistance service. The county technical assistance service shall acknowledge an exemption in an appropriate manner determined by the county technical assistance service. The county technical assistance service shall keep a record of exempted individuals and their re-certification credits.

(j) A sufficient number of certification classes shall be taught each calendar year at the Tennessee law enforcement training academy. Training will be provided and examinations administered by the staff of the county technical assistance service.

(k) Counties may begin enrolling candidates in the program July 1, 2009. Counties shall comply with the requirement that they have a CJA in their employ for all required facilities by July 1, 2011.

(l) After the compliance date has passed and it later becomes necessary for the county to hire an individual in a position in which the CJA designation is required, the individual hired must either be exempt as provided in this section or must become certified within two (2) years of the hiring date. However, a county may not hire anyone not certified or not exempt from certification after June 30, 2013.

(m) Any county determined by the comptroller to be contumaciously in violation of the requirement of this section that the county have in its employ a CJA or exempt individual in a position in which the CJA designation is required is subject to a civil penalty to be levied by the comptroller of fifty dollars (\$50.00) per day during the entire

time the violation continues. The penalty shall begin forty-five (45) days after the notification of noncompliance is mailed by the comptroller and continue until the date the comptroller determines that the county is in compliance with the statute. All funds received by the comptroller under the provisions of this section shall be deposited into the general fund of the state.

SECTION 2. Tennessee Code Annotated, Title 41, Chapter 4, is amended by adding the following as a new section.

41-4-146.

(a) Full-time county jail and workhouse administrators who are designated as a certified jail administrator (CJA) pursuant to § 41-4-145 shall receive an annual educational incentive payment from the state treasurer in the amount of six hundred dollars (\$600).

(b) By no later than August 31 of each year, the county technical assistance service shall provide the state treasurer with a list of all CJAs who have successfully completed the CJA training program or re-certification program for that year. The list shall include the respective address of each CJA and any other information that the state treasurer may deem necessary.

(c) The incentive provided for in subsection (a) shall continue to be paid each year to any such CJA; provided, that the CJA is included in the list submitted under subsection (b) as having successfully completed the re-certification requirements of the program and any other requirements deemed necessary to maintain the CJA designation.

(d) The incentive provided for by this section shall be paid by the state treasurer from funds appropriated for that purpose. The incentive shall be paid no later than October 31 of each year.

(e) Notwithstanding this section or any other law to the contrary, the availability or the amount of the incentive authorized by this section shall be subject to the appropriation of funds in each year's general appropriations act for the purposes set forth in this section. If, in any given year, the amount appropriated in that year's general appropriations act is not sufficient to pay each eligible CJA in full, then the amount available shall be prorated by the state treasurer among such CJAs. Any unpaid portion shall not be carried forward to subsequent years.

(f) Any payment made pursuant to this section shall be considered as an incentive for the successful completion of educational training and shall not be considered in determining the CJA's average final compensation for retirement purposes pursuant to title 8, chapters 34-37. Further, the incentive payment shall not be used for the purpose of computing the salary or compensation of any other public official other than the CJA receiving the incentive.

(g) The incentive provided for by this section shall not be paid retroactively, but shall become effective for the fiscal year beginning July 1, 2010.

SECTION 3. This act shall take effect on July 1, 2008, the public welfare requiring it.